

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

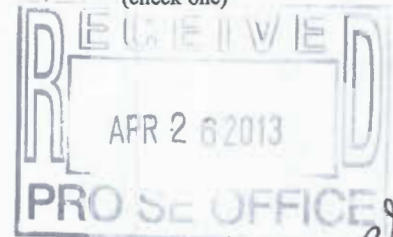
13 CV 2874

Richard M Kelly

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

EOS CCAJury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Richard M Kelly

Street Address

9115 Ridge Blvd 4B

County, City

BROOKLYN

State & Zip Code

N.Y.11209

Telephone Number

917 500-1453

- B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

EOS CCA

Street Address

700 LONGWATER DRIVE

County, City NORWELL
 State & Zip Code MA, 02061
 Telephone Number (888) 317-3598

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? FCRA, 15 USC 1681s-2(a)

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events.

You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? New York State

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

3/15/2013

C. Facts: Inaccurate Information has been put on my credit report by Defendant. In the case of Richard M. Kelly v. Experian et al 09 cv 1142 S.D.N.Y. Inaccurate information was removed by Experian, Transunion & Equifax. NOW EOS CCA has reported to Experian that a debt reported by South west credit in 2009 and was removed from my credit report was open in August of 2012. I have Attached Documents to this complaint to prove it is not true

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. I seek statutory damages

of \$1000.00 and to have all inaccurate
information removed from all my credit reports

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of April, 2013

Signature of Plaintiff

Mailing Address

9115 Ridge Blvd 4B
BKlyn NY 11209

Telephone Number

917 500 1453

Fax Number (if you have one)

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number _____

KOGAN, TRICHON & WERTHEIMER, P.C.

ATTORNEYS AT LAW

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April 14, 2010

Richard M. Kelly
9115 Ridge Blvd., 4B
Brooklyn, NY 11209

RE: Richard M. Kelly v. Experian Information Solutions, et al
C.A. No.: 09-cv-01142

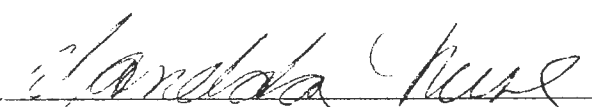
Dear Mr. Kelly:

Pursuant to your request, enclosed please find a copy of your April 9, 2010 Trans Union consumer file disclosure. The SW Credit System was verified with your name, address and social security number, along with the account information as accurately reported. Kindly inform me in writing if you dispute any item of information contained in the disclosure.

Thank you for your courtesy and cooperation.

Very truly yours,

KOGAN, TRICHON, & WERTHEIMER, P.C.


YANELDA NUÑEZ, Legal Assistant to
BRUCE S. LUCKMAN

/yn
Enclosure

Date: 11/30/09
 Creditor: ATT MOBILITY - MNY
 Amt. Due: \$236.20
 SWCS Acct. No.: 29088389
 Creditor Acct. No.: 512011099411


SouthwestCredit
 5910 W. Plano Parkway, Suite 100
 Plano, TX 75093-4638
 Toll free: 800-637-7439

Dear Richard Kelly,

Our records indicate that this debt remains unpaid. This shall serve as notification that unless you contact this office immediately to establish arrangements for payment, we will be required to proceed with collection efforts on your account.

We want to help and are willing to work with you, but you must contact our office promptly. Avoid further collection activity by enclosing your payment with the tear-off coupon below, or by contacting us to make payment arrangements on your account or as provided above. Check or credit card payments can also be made 24-hours a day, through our secure website at www.swcpayonline.com.

Sincerely,
 Southwest Credit Systems, L.P.

Esta comunicación es de un cobrador de morosos. Esta es una tentativa de reunir una deuda y cualquier información obtenida se utilizara para ese propósito. La cantidad listo encima de es el equilibrio actualmente debido. Para asistencia en español, llame por favor al 1-800-284-9180 para arreglar prontamente para el pago.

New York City Department of Consumer Affairs License Number: 1153354

**This is an attempt to collect a debt by a debt collector.
 Any information obtained will be used for that purpose.
 Calls may be monitored and or recorded.**

A member of

ACA
 INTERNATIONAL
 The Association of Credit
 and Collection Professionals



PO Box 1985
 Southgate, MI 48195-0985

For your protection and better service please:

1. Do not send cash through the mail.
2. Return this portion of the statement with your payment.
3. Include account number on the check or money order.

Creditor Acct. No.: 512011099411
 Creditor: 03447 - ATT MOBILITY - MNY

Payment Amount: _____

29088389/00130 214 78479679 0000203/0002



Richard Kelly
 9115 Ridge Blvd Apt 4B
 Brooklyn, NY 11209-5724

Southwest Credit Systems, L.P.

5910 W Plano Parkway
 Suite 100
 Plano, Texas 75093-4638

